

in need of the Smithsonian or whatever.

If they were part of the state, although sovereign, if the federal enclave was within the state, encompassed within the state but still sovereign, then the state could acquire that territory and that land and use it openly if it was ever ceded back to us.

I am aware of the political realities, but I think that the commission and the District or the people involved in statehood could communicate to this country that there is value in retaining the federal enclave within the state and still protect sovereignty for the nation as the federal capital. So I urge support of this substitute motion.

PRESIDENT CASSELL: We have pretty well discussed and had debate on this substitute motion. I would like to vote and then I would like to go off the record to discuss something that I think we have to discuss before we go any further.

May we vote on this amendment by Delegate Garner and that amendment is --

MR. COOPER: The substitute motion as set forth by Delegate Garner will replace Section 1, to state: "The boundaries of the state of (blank) shall be the same as those of the District of Columbia, with the understanding

that the boundaries of the state shall be subject to negotiations with and approval of the Congress of the United States."

PRESIDENT CASSELL: Is that clear to everyone now?

Okay. Those in favor of the Garner amendment, signify by raising your hands, please.

(A show of hands.)

MR. COOPER: 6.

PRESIDENT CASSELL: Those opposed?

(A show of hands.)

MR. COOPER: 19.

PRESIDENT CASSELL: Abstaining. Okay, the motion loses.

MS. NAHIKIAN: Mr. President, the committee would like to offer an amendment at this point.

PRESIDENT CASSELL: Yes. Give me just one moment.

Madam Court Reporter, we want to go off the record for a moment.

(Discussion off the record.)

PRESIDENT CASSELL: Back on the record.

MS. NAHIKIAN: We would like to offer some substitute language. It is the language that has been circulated by Delegate Garner earlier today, and reads as follows:

"Section 1. Boundaries of the State. The boundaries of the state shall be subject to the approval of the Congress of the United States and the voters of the District of Columbia. The state shall include at least all of the territory of the District of Columbia which is not included within the boundaries of the National Capital Service Area. The boundaries of the National Capital Service Area are" -- and then it would follow -- I am not for purposes of the record going to read all of those specific boundaries of the National Capital Service Area.

We would move that as section 1(a).

MR. : I second it.

PRESIDENT CASSELL: I've got a second. Let me read what we've got. The motion on the floor is to change Section 1 -- does everybody have a copy of this -- to change Section 1 to read as follows --

MS. NAHIKIAN: Section 1(a).

PRESIDENT CASSELL: Section 1(a): "The boundaries of the state shall be subject to the approval of the Congress of the United States and the voters of the District of Columbia. The state shall include at least all of the territory of the District of Columbia which is not included within the boundaries of the National Capital Service Area.

The boundaries of the National Capital Service Area are" -- and then they shall be defined and there should be no debate over that because they are defined. That was moved and seconded.

Is there any discussion on that?

(No response)

Those in favor of this motion as read --

MS. CORN: Point of information.

PRESIDENT CASSELL: You know, when I call for it, if you don't mention it -- a point of information.

MS. CORN: I have a problem with the language in lines 4 and 5, "The state shall include at least all of the territory" which is the District "which is not included within the boundaries" -- do you mean that, no matter what, that National Capital Service Area will never be part of the state?

MS. NAHIKIAN: No, that is not the intent of the motion.

MS. CORN: That is the way it is worded right now.

PRESIDENT CASSELL: Let her answer the question.

MR. NAHIKIAN: That is not the way it is worded. That is the reason for the words "at least," but it says specifically and clearly "the boundaries of the state shall

be approved by the Congress and subject to approval by the voters of the District of Columbia." It simply states up front that there would be a federal district but that those boundaries would be negotiated.

MS. CORN: In other words, the National Capital Service Area might some day be part of the state or could be negotiated in to be part of the state?

MS. NAHIKIAN: Definitely.

MS. CORN: Okay. Well, I wanted to know what you meant.

PRESIDENT CASSELL: Delegate Barnes.

MR. BARNES: What is the difference in this amendment from what is already there? In other words, why do you -- what is the reason for the amendment?

MS. NAHIKIAN: The exact difference between our substitute motion and what we originally proposed are three things: (a) It clarifies that the boundaries of the state shall be negotiated. It makes it explicit, rather than implicit as it is in our draft now. (b) It redraws our boundaries. Specifically I point you to the difference between the blue overlay and the portions in white on that map. It has redefined the National Capital Service Area, as Delegate Baldwin mentioned earlier, explicitly as it is

in the home rule charter. Therefore we do not have any issues about Bolling Air Force Base, Fort McNair, et cetera. Therefore, we are actually being larger than what the committee proposed.

Third is that it accommodates the ability of what Delegate Corn spoke to, to redefine. It basically is a way of saying we can't decide, we know that there has to be a federal district, we know that we must address the issue in terms of negotiation with the U.S. Congress.

PRESIDENT CASSELL: Delegate Baldwin.

MR. BALDWIN: I would like to propose a secondary amendment because I am still concerned irrespective with how they define the boundaries. I am still concerned about people being disenfranchised and I would like to submit the following amendment for whatever boundaries we end up with: "In no case shall any person be denied the right to vote or otherwise participate in any matter of any election in the state of (blank) solely because this person resides within the National Capital Service Area."

MR. SCHRAG: A point of order.

PRESIDENT CASSELL: State your point of order.

MR. SCHRAG: Mr. President, while this amendment is a fine amendment, it is not germane to the amendment of

Delegate Nahikian which is on the floor. It would be in order after we dispose of Delegate Nahikian's amendment because it is an amendment to the main motion, but it is not germane to the pending amendment.

PRESIDENT CASSELL: I don't know why it isn't germane to the pending amendment.

MR. SCHRAG: No.

PRESIDENT CASSELL: It is a modification. It is a qualification.

MR. SCHRAG: The pending amendment only deals with the issue of negotiation between the District and the federal government. The Baldwin amendment deals with voting and would properly be a new subsection to Section 1, but is not relevant to the negotiation issue.

PRESIDENT CASSELL: Did you want to respond to that?

MR. BALDWIN: Frankly, I don't have a copy of it. As I understood it, the motion says -- it is defining boundaries, boundaries of the National Capital Service Area. And Delegate Nahikian said that they would be able to insert those boundaries, whatever the boundaries are. Okay.

All I am saying is once you describe those boundaries at the end you make that statement that I gave about the voters, and that is in order, it is germane, and that is

exactly the way the home rule bill dealt with it. Once they describe the boundaries, then they say "no person shall be denied denied" and so forth. So I can't see why you are saying it is not in order. She is saying the boundaries will be, and I am going at the end.

You also say that it is inappropriate at the end of Section 1. Well, Section 1 goes through Section 1(b) and if you are going to keep all of that in, that still is at the end of the boundaries.

MR. SCHRAG: I understand the issue, Mr. President. The question is whether the Nahikian amendment is a substitute for the first paragraph of (a) or whether Delegate Garner or Delegate Nahikian is offering additional language which has not been read to any of the delegates having to do with land adjacent to the boundaries of the National Capital Service Area. That is the Home Rule Act at present sets forth some boundaries. It says the land within those boundaries is in the National Capital Service Area.

It also says that federal land adjacent to those boundaries, such as Bolling, it shall be considered part of that service area. The committee rejected that position. It accepts the land within the area, but excluded the land adjacent to the area. I understand the Nahikian amendment

to be merely a substitute for the first paragraph and not to change and I have heard no new language with respect to any language adjacent to the service area.

PRESIDENT CASSELL: I have heard both sides of the argument. Inasmuch as one of the purposes of establishing boundaries is to determine the rights of the people on either side of those boundaries to vote, I think that the motion is in order.

Delegate Harris?

MS. HARRIS: I would like to strongly support the Baldwin amendment or substitute motion because, number one, it is to secure those constitutional rights of the citizens of the state which, as we all know, in past history has been abused in many ways, and I think that that statement that Delegate Baldwin gave certainly secures those rights if it is indicated at the end of Section 1, Boundaries of the State.

PRESIDENT CASSELL: Delegate Mason, Kameny.

MR. MASON: I support the intent of the Baldwin amendment, however I think the language could be improved. I think what he means is that in drawing the final boundaries no place where anybody lives shall be outside the state other than perhaps the White House. Is that the intent of it, Mr. Baldwin?

PRESIDENT CASSELL: Are you speaking in favor?

MR. MASON: My position is that I don't know how the state of Columbia can have anything to say about whether somebody who lives somewhere else can vote. However, we can have something to say about where the boundaries are and I think that his intent was to be sure that the boundaries were not drawn in such a way that private residences or apartment houses ended up in the enclave. And if that was the intent, it seems to me it could be more artfully worded than simply to say that the boundaries shall be so drawn that residential property shall be within the state.

PRESIDENT CASSELL: Delegate Baldwin, before you respond to him, let me just say that is the same question that I raised earlier and that is I can see the intent of that is to make certain that nobody is disenfranchised. But if indeed the boundaries are such that someone is disenfranchised, a statement that they are not to be disenfranchised does not draw the boundaries properly so they will not be, and I am not sure that that is clarified.

MR. MASON: My concern is that once boundaries are drawn, we have no control at all over what happens if somebody who is living outside --

PRESIDENT CASSELL: Delegate Baldwin?

MR. BALDWIN: Delegate Mason clearly misunderstood the intent. All I am saying is whatever boundaries you draw up and decide that this is the National Capital Service Area, we need a statement to say if any person resides within that area, he would be allowed to vote. That is all I am saying -- whatever boundaries you come up with. That is all I am saying, and that language came verbatim from the Congress, that they stated in our Home Rule bill, whatever the boundaries. I am not arguing about what the boundaries will be, because I happen to know that there are people living within the National Capital Service Area. Whatever boundaries we agree on, and if some of you are so sure that no people live there, then why are you fighting it? Just stick it on there anyway. It will take care of it if it is just one person. So those of you who are so sure that no one lives there, then why not agree, yes, let's stick it in there.

PRESIDENT CASSELL: Delegate Kameny and Delegate Nahikian.

MR. KAMENY: For orderly procedure and in the hope that we can get something voted on and disposed of, I move that we divide the question before us on first the Nahikian substitute motion and then Delegate Baldwin's motion, and

dispose of them seriatim, and I so move.

PRESIDENT CASSELL: No, that motion is out of order. We have a motion on the floor and then there is an amendment to that.

MR. KAMENY: And I merely said that we divide the motion, the main motion and the amendment.

PRESIDENT CASSELL: I rule that motion out of order, because there is an amendment, a second amendment to the amendment offered by Delegate Nahikian. May we vote on Delegate -

MS. NAHIKIAN: Mr. President, you had recognized me previously. I just need to speak briefly.

PRESIDENT CASSELL: All right.

MS. NAHIKIAN: I think that part of the concern about Delegate Baldwin's amendment to the substitute in my mind has more to do with style than it does with substance, and I would just like to indicate for the record that we could move forward with voting on his amendment as a part of my substitute motion, but that in style and drafting we may want to separate that out as a subsection, because it is a question of where it falls, rather than it falling within paragraph (a).

Secondly, I would like to clarify that my motion

and the proposal, the consensus from my committee is that Delegate Garner's language would be a substitute simply for the first paragraph of Section 1, and then the boundaries would follow.

PRESIDENT CASSELL: All right. Are you saying that you are willing to accept his amendment to your motion as your motion, your motion amended?

MS. NAHIKIAN: I think that I view as the committee the --

PRESIDENT CASSELL: Because what we have to do is vote on his substitute first and then vote on yours.

MS. NAHIKIAN: Okay. The committee views Delegate Baldwin's amendment as a friendly amendment. We are not opposed to it. I do think we have to clarify the language somewhat in the sense that Delegate Baldwin's motion says "any person who resides in the federal district should be entitled to elect, register and vote in the state," whereas I think we have to say "any person who otherwise possesses the qualifications of an elector of the state but who resides," otherwise we've got infants voting.

PRESIDENT CASSELL: Delegate, would you accept that rewording?

MR. BALDWIN: "who otherwise possesses the

qualifications" --

MS. NAHIKIAN: The point is that as the language you have proposed is now, it refers to any person who would otherwise be disenfranchised by living within the federal district of the National Capital Service Area, however you referred to it. What we wanted to clarify is that any person who happens to reside within those boundaries, when they are ultimately in those negotiations must have or possess whatever qualifications is required now to be an elector would be under the constitution, i.e., age 18, a resident for however how long, et cetera. That is the only -- except, you know, obviously living within the state. That is my only concern.

My point is we view it as a friendly amendment, we think we have clarified some language and I think that we could pass the whole thing and then it would fall simply to a subsection in style and drafting to be separated out from the first paragraph.

PRESIDENT CASSELL: All right, Delegate Baldwin, if you want to accept that, say yes, if not we will vote on your substitute. Yes or no?

MR. BALDWIN: No.

PRESIDENT CASSELL: Okay. Delegate Baldwin's motion is -- we had better read it once more, Mr. Secretary.

This is an amendment to the Nahikian amendment.

MR. COOPER: "In no case shall any person be denied the right" --

PRESIDENT CASSELL: And this is to be added to the end of the --

MR. COOPER: Right. "In no case shall any person be" --

PRESIDENT CASSELL: All right, let me say this again. The Baldwin amendment is to be added to the end of Section 1(a).

MR. COOPER: "In no case shall any person be denied the right to vote or otherwise participate in any manner in any election in the state of (blank) solely because such person resides within the National Capital Service Area."

PRESIDENT CASSELL: May we vote on that.

MR. SCHRAG: Mr. President.

PRESIDENT CASSELL: Yes?

MR. SCHRAG: I'm sorry Mr. Baldwin didn't accept the perfecting language. This amendment, as it is worded, will be voted down. The National Capital Service Area is referred to temporarily here as a kind of transitional matter, but it is not going to continue to exist once we are a state. It may be called something else. It probably will

be called the District of Columbia or it will be called the Federal District or something, and we should not have imbedded in our constitution an obsolete term. We should vote this down and then Delegate Nahikian will make a substitute motion with the committee's language which would accomplish the same thing which the convention can approve to enfranchise all of these people to avoid this technical --

PRESIDENT CASSELL: Delegate Harris, and then we will vote.

MS. CORN: Mr. President, I have perfecting language that I think would solve this dilemma that would be acceptable to Delegate Baldwin.

MS. HARRIS: I strongly support and urge all the delegates to support Delegate Baldwin's amendment and I would like to ask, if it is in order, to ask Delegate Schrag why would he be opposed to securing the constitutional voting right of those residents of the state?

PRESIDENT CASSELL: Wait a minute. That is out of order. That is out of order. No, no, no, no. There is a motion on the floor, to be speaking for or against the motion. You have spoken in behalf of the motion. Are you ready for the vote now?

Those in favor of Delegate Baldwin's substitute

motion, signify by raising your hands, please.

(A show of hands.)

MR. COOPER: 16.

PRESIDENT CASSELL: Those opposed?

(A show of hands.)

MR. COOPER: 14.

PRESIDENT CASSELL: Abstain? No abstentions. The motion carries.

We are back to the original amendment now as amended. Those in favor -- is there any discussion now on this as amended? Delegate Corn.

MS. CORN: I would like to reword, not in substance but for perfecting language, to make the point very clear. It should read --

PRESIDENT CASSELL: That is out of order. No, this is specifically the responsibility of your committee. We don't want to spend that kind of time perfecting language here.

Delegate Mason.

MR. MASON: I would suggest to Delegate Nahikian that the convention would save paper and ink if when she says the National Capital Service Area, say as defined in Section 739(f)(1)(a) of the District of Columbia

Self-Government Reorganization Act, and that would save approximately two pages of small type print.

PRESIDENT CASSELL: Delegate Mason, let me ask you, is that a suggestion?

MR. MASON: That is a suggestion, accept it or not, as you wish.

PRESIDENT CASSELL: All right. Are we ready to vote on this now?

Okay.

MS. NAHIKIAN: Mr. President, could I just ask a point of information for the record.

PRESIDENT CASSELL: To whom?

MS. NAHIKIAN: To Delegate Baldwin concerning the amendment that was just passed.

PRESIDENT CASSELL: I really don't think you should.

MS. NAHIKIAN: Well, it has to do with how we vote on this whole motion.

PRESIDENT CASSELL: It really has to do with it?

MS. NAHIKIAN: Whether or not I could support my own motion or amendment.

PRESIDENT CASSELL: I'm going to trust you. Go ahead.

MS. NAHIKIAN: Delegate Baldwin, the intent as I

understand it of your amendment is to make clear that any person who would happen to reside within the National Capital Service Area who may otherwise be able to vote if they lived in the state would in fact be given the right to vote. Is that correct?

MR. BALDWIN: As to an interpretation of it, it means just what it says, no person living within the National Capital Service Area shall be denied the right to vote. That is all that is the intent of it and I can't put it any plainer.

PRESIDENT CASSELL: May we vote now? Those in favor of Delegate Nahikian's motion as amended, signify by raising your hands, please.

Keep your hands up, please. Baldwin's motion passed. We are now back on the original motion as amended by Baldwin's amendment to the amendment. Those in favor of the amendment offered by the committee as amended by Delegate Baldwin's motion, signify by keeping your hands up, so we can count. Would you start the count again?

MR. COOPER: 19 -- 20.

PRESIDENT CASSELL: Those opposed?

(A show of hands.)

MR. COOPER: One.

PRESIDENT CASSELL: Abstain?

MR. COOPER: One.

PRESIDENT CASSELL: Okay. Section 1 is adopted as amended.

Delegate Nahikian.

MS. NAHIKIAN: Thank you, Mr. Chairman. I would move the adoption of Section 1(b), beginning on page 4.

PRESIDENT CASSELL: Is there a second to that motion?

MR. : I second it.

PRESIDENT CASSELL: It has been moved and seconded that Section 1(b) be adopted, page 4. Discussion?

(No response)

There being no discussion, those in favor of adopting Section 1(b) as written, signify by raising your hands, please.

(A show of hands.)

MR. COOPER: 19.

PRESIDENT CASSELL: Those opposed?

(No response)

PRESIDENT CASSELL: Abstain?

MR. COOPER: One.

PRESIDENT CASSELL: 1(b) is adopted.

Delegate Nahikian?

MS. NAHIKIAN: Mr. President, I would move the adoption of Section 1(c), "The building known as the District Building shall, however, be part of the State."

PRESIDENT CASSELL: Second, please?

MR. : I second.

PRESIDENT CASSELL: It has been moved and seconded that 1(c) be adopted. Discussion? Delegate Mason?

MR. MASON: I thought we were voting. I was just voting for it.

PRESIDENT CASSELL: No, we are taking it one at a time. No discussion? Those in favor of adopting 1(c), please raise your hands.

(A show of hands.)

MR. COOPER: 20.

PRESIDENT CASSELL: Those opposed?

(No response)

PRESIDENT CASSELL: Abstain?

(No response)

PRESIDENT CASSELL: Okay. Now for the rest of this, can we take a voice vote until something controversial comes up just to speed things up?

MS. NAHIKIAN: There is only one more subsection, Mr. President, and that is I would move the adoption of --

PRESIDENT CASSELL: Please, Delegate Corn.

MS. NAHIKIAN: -- I would move the adoption of section (d) which will probably be controversial, "The state does not include any of the bridges crossing the Potomac River."

PRESIDENT CASSELL: Now, you don't have to say that. Nobody may have noticed.

Is there a second to that motion?

MS. : I second.

PRESIDENT CASSELL: It has been moved and seconded that item 1(d) be adopted. Discussion? Garner, Mason, Brian Moore.

MR. GARNER: Mr. Chairman, I must enter an objection. There is a vital neighborhood installation that has now been given to the federal government and I just want that on the record -- Chain Bridge.

PRESIDENT CASSELL: I hope everybody heard that. Mason?

MR. MASON: I rise to oppose this provision but for somewhat different reasons from Delegate Garner.

PRESIDENT CASSELL: Delegates, we are really going to have to recess. Delegate Mason, hold it for just a minute now. I've got a microphone here and you can hear me

but I cannot hear what is going on because there is so much buzzing. Please. Delegate Mason, please speak up, and let us hear you.

MR. MASON: Delegate Garner says that if this were adopted -- and I do not want to adopt it -- that we would have given something, a bridge, Chain Bridge to the federal government. We would not. Chain Bridge belongs to the District, whether it is in the District, whether it is in Virginia, whether it is in the federal enclave, no matter where it is unless we do take an entirely separate action to give it to somebody, which might be the federal government, and that entity is accepted.

All of the bridges across the Potomac at the District belong to the District except Woodrow Wilson Bridge, which belongs to the federal government. The federal government gets money from the District, from Maryland and from Virginia for Woodrow Wilson --

PRESIDENT CASSELL: Now, you see we've got the thing going. You are really going to have to quiet down.

MR. MASON: Merely changing the boundaries would not have anything to do with the ownership of the bridge. I don't know what the purpose of changing the boundaries somehow -- if what we are trying to do is say that we shouldn't

arrest speeders who are on the bridge but somebody else should, then say so. But what is the purpose of this? There are bridges and according to -- they are also within the District and presumably would be within the state absent this section, but the section does not transfer that ownership but only in what jurisdiction they would lie.

PRESIDENT CASSELL: Okay. Brian Moore, before you speak, inasmuch as we don't have any sergeant at arms or police in here to keep people from buzzing, let me try something else. If you must speak with somebody, could you whisper in that person's ear? Just whisper so we don't hear voices in the room. Thank you very much.

Okay. Delegate Moore?

MR. B. MOORE: I am opposed to the motion on the floor. I have a question of the committee, first of all. Was there anybody in the public hearings that provided information to you of potential sources of revenue that the city or the state could obtain in future years from other means regarding the bridges?

MS. NAHIKIAN: Shall I respond, Mr. President?

PRESIDENT CASSELL: Yes, surely.

MS. NAHIKIAN: There was absolutely no factual information given at the public hearing indicating that the

bridges could ever be a future source of revenue. In fact, there is some question as to whether or not we could ever "charge," for example, a toll because the bridges were built with federal money. They are also very expensive and need to be rebuilt.

MR. B. MOORE: Well, I want to go on record as being opposed to this motion.

PRESIDENT CASSELL: Delegate Baldwin.

MR. BALDWIN: They belong to the District of Columbia and it is too bad you don't know that. You can't give it away and fifty percent can vote that we are going to have it this way, but in the final analysis it will belong to the state or whatever we call it, so have fun, folks.

PRESIDENT CASSELL: Those in favor of the amendment, please indicate by raising your hands.

MS. NAHIKIAN: It is not an amendment. It is subsection (d) of Section 1, "The state does not include any of the bridges crossing the Potomac River."

PRESIDENT CASSELL: The Chair is confused. I thought you had a motion and you didn't move to amend?

MS. NAHIKIAN: No.

PRESIDENT CASSELL: All right. Well, the motion is on the floor, subsection 1(d). The motion on the floor is

the adoption of 1(d). Those in favor, raise your hands.

(A show of hands.)

MR. COOPER: 10.

PRESIDENT CASSELL: Those opposed?

(A show of hands.)

MR. COOPER: 16.

PRESIDENT CASSELL: Okay. Item (d) loses.

Delegate Nahikian?

MS. NAHIKIAN: Mr. President, I would move the adoption of Section 2, Cooperation with other governments.

PRESIDENT CASSELL: Second?

MR. : I second it.

PRESIDENT CASSELL: It has been moved and seconded that Section 2 be adopted.

MS. NAHIKIAN: I'm sorry, I moved the wrong thing. I would move the adoption of Section 1, Boundaries of the state, in its entirety as amended.

MR. : I second it.

PRESIDENT CASSELL: It has been moved and seconded that Section 1 as amended be adopted. Those in favor, signify by saying "aye."

(A chorus of "aye.")

PRESIDENT CASSELL: Opposed?

(A chorus of "no.")

PRESIDENT CASSELL: Abstain? Okay.

Delegate Nahikian.

MS. NAHIKIAN: Mr. President, I would move the adoption of Section 2, Cooperation with other governments.

MR. : Second.

PRESIDENT CASSELL: It has been moved and seconded that Section 2 be adopted. Discussion? Garner?

MR. GARNER: I have some important but only perfecting language to the last section, the last three lines. I would like it to read "and any federal district which may be the seat of government of the United States." I don't believe that is controversial.

PRESIDENT CASSELL: Is there a second to that motion?

MS. NAHIKIAN: Mr. President, we would accept that as a friendly --

MR. GARNER: The last three lines of Section 2 to read "the State; (2) foreign embassies and chanceries located in the State; and (3)" -- I haven't changed anything, but I have added the words "any federal district which may be the seat of government of the United States of America."

PRESIDENT CASSELL: The committee accepts that?

MS. NAHIKIAN: Mr. President, I think the committee

would accept that language because it is perfecting language that would clarify -- that would coincide with the earlier language that was substituted for paragraph (a).

PRESIDENT CASSELL: Very good. Any further discussion on that? Mr. Mason?

MR. MASON: Just as to the matter of language, on the top line on page 5, the term is used -- it says "the Governor may enter agreements or compacts for any public purpose with other government entities," and so on. The word "compact" --

PRESIDENT CASSELL: Where are you reading?

MR. MASON: Beginning with the bottom line of 4 and the top line of page 5. The word "compact" is a word of art relating to an interstate compact, and my understanding is that it requires the approval of the legislature of each state and of the Congress. It cannot be entered into by a governor acting alone. There may be lesser things like -- a compact is like a treaty, meaning that it requires --

MS. NAHIKIAN: "With the consent of the legislature, the Governor may enter into agreements or compacts."

MR. MASON: The question is, is that a compact entered into not by the governor with the consent of the legislature but by the legislature itself is the question.

The governor signs the bill but it is really done by legislation. It is just a question of whether the language is the right language. The intent is absolutely right.

MS. NAHIKIAN: I see no problem with it.

PRESIDENT CASSELL: Mr. Ralph Thomas, would you put that question to him and get a response?

MR. THOMAS: Yes, I definitely agree with Delegate Mason. In fact, in my own report I had trouble with this language being construed as being in conflict with Article I, section 10 of the U.S. Constitution, and I proposed some language that might be inserted in there.

MS. NAHIKIAN: It conflicts --

MR. THOMAS: Yes, it does. He is saying that you have in here compacts and just the consent of your legislature is not enough. Whenever you want to make a treaty with another state or another separate entity, it has to be the consent of Congress, the consent of the U.S. Congress.

PRESIDENT CASSELL: Let me ask a question, Mr. Counsel. The governor may enter into agreements or compacts, does that not just give him the authority to do so, recognizing that there would have to be another party? It gives him the authority to enter into a compact as opposed to denying such authority or to do nothing.

MR. THOMAS: Well, I think that it would take away -- I think that you would relieve some of the ambiguity by putting in neutral language.

PRESIDENT CASSELL: Would you suggest the language? Do you have language in your report for perfecting it?

MR. THOMAS: That is one suggestion.

MS. NAIKIAN: But this language is exactly the same as ours except it has "with the consent of the legislature, the Governor may enter into agreements or compacts" is precisely our language.

MR. THOMAS: And I have at the end "as permitted by the U.S. Constitution."

MS. NAIKIAN: That is not the point.

MR. THOMAS: It is the point because the U.S. Constitution says with the consent of Congress.

PRESIDENT CASSELL: Okay. Fine. Thank you very much, Mr. General Counsel.

Delegate Harris and Schrag.

MS. HARRIS: I want to ask Delegate Garner, the maker of the amendment, a question. In your amendment you mentioned "any federal district which may be the seat of the federal government," and it was my understanding that there will be one state, one federal government, and so when you

use the words "any federal district," I would like for you to explain that, what you had in mind.

MR. GARNER: There are those of us who believe that there need not be a federal district and some of us believe that there must be. All this language does is say there may be a federal district and if it does exist it can go under these kinds of arrangements. So if one doesn't exist, I don't want it required as another section. It is just an either/or kind of arrangement to clarify what we did earlier. The language reads -- it says in effect that, "At the request of the federal government and with the consent of the legislature, the Governor shall negotiate contracts" for various things, and it lists those things and I think there will be police and fire and sanitation services and I think there will be federal buildings and federal properties and I think there will be foreign embassies and chanceries, but I am not sure if there will be a federal district. There may be, but there may not be, and that is the only point of the language.

MR. HARRIS: But by using the word "any" in front of "federal government," that is a different phrase and I understand what you say when you say "which may be the seat of the government." That is not my concern. My concern is why do you use the word "any federal district," which means

that the federal district could be wherever, whatever, maybe more than one.

PRESIDENT CASSELL: Are you withdrawing that?

MR. GARNER: No.

PRESIDENT CASSELL: No. Okay. The motion on the floor is -- would you read those specific words to be inserted so that we can vote on it and move on?

MR. COOPER: The words to be inserted by Delegate Garner's amendment would be on the third line from the bottom of Section 2, the third occurrence of the word "the" following (3) would be changed to "any," and on the second line from the bottom of Section 2, the word "is" would be substitute for the word "may be."

PRESIDENT CASSELL: All right, so it would read " and (3) any federal district which may be the seat of government of the United States of America."

Those in favor of that amendment, please show your right hands, please. This is the Garner motion.

(A show of hands.)

MR. COOPER: 22.

PRESIDENT CASSELL: Opposed?

MR. COOPER: One.

PRESIDENT CASSELL: Abstain?

MR. COOPER: One abstained.

PRESIDENT CASSELL: Okay. Now, let's make sure we have the language that we voted on right, "is the seat of the federal government" rather than "of the United States of America."

MR. GARNER: The way it is written.

PRESIDENT CASSELL: Just as it is written, "is the seat of the government of the United States of America." Okay. Very good.

We are back now to the motion as amended. That motion did pass. Are we ready for discussion on the motion on Section 2 as amended.

There being no discussion, those in favor of Section 2 as amended, please raise your hands.

(A show of hands.)

MR. COOPER: 17.

PRESIDENT CASSELL: 17. Those opposed?

(No response)

PRESIDENT CASSELL: Abstain?

(No response)

PRESIDENT CASSELL: Okay. The amendment carries.

MS. NAHIKIAN: Mr. President, point of --

PRESIDENT CASSELL: That is Section 2 as amended.

MS. NAHIKIAN: Mr. President, a point of personal privilege.

PRESIDENT CASSELL: Yes.

MS. NAHIKIAN: Delegate Corn is trying to get the wording of Section 1 before I even finish the article for style and drafting. Could she please refrain until we pass Section 3; because I cannot hear when she is talking in my ear.

PRESIDENT CASSELL: I don't know what it is she is doing, but I would ask anybody -- that includes the person she may be talking to -- please do not disrupt.

MS. NAHIKIAN: Mr. President, I would move the adoption of Section 3, acceptance of federal funds.

MS. : I second.

PRESIDENT CASSELL: It has been moved and seconded that Section 3 be adopted. Discussion?

There being no discussion, those in favor signify by raising your hands.

(A show of hands.)

MR. COOPER: 20.

PRESIDENT CASSELL: Opposed?

MR. COOPER: One.

PRESIDENT CASSELL: Abstain?

(No response)

MS. NAHIKIAN: Mr. President, I move the adoption of the article on intergovernmental relations as amended.

MR. : I second it.

PRESIDENT CASSELL: It has been moved and seconded the adoption of the article on intergovernmental relations as amended.

Those in favor, raise your hands, please.

(A show of hands.)

MR. COOPER: 20.

PRESIDENT CASSELL: Opposed?

(A show of hands.)

MR. COOPER: One.

PRESIDENT CASSELL: Abstain?

(No response)

PRESIDENT CASSELL: Okay. We have adopted the article on intergovernmental relations.

Madam Chairperson, do you have any parting remarks or congratulations or --

MS. NAHIKIAN: I'm not sure anyone wants to hear my parting remarks. I would just say thank you to the committee. They were very helpful, and I would like to indicate for the record that our committee has used what I would

guess is an unusual process in drafting the three articles, one of which you have juast adopted and two of which are to come, and that is that we did work as a committee of the whole and we worked on a consensus basis, and I think that that is testament to the willingness of this committee to work together.

Thank you.

PRESIDENT CASSELL: Okay. I would like to thank and congratulate this committee for a well prepared report.

(Applause)

It is well prepared, well documented and good responses to the questions. I am rather proud of the work that each of our committees has done. I think we are making a good record.

We will recess for 10 minutes and then we are coming back -- first, Delegate Terrell, are you ready to make your report?

MR. TERRELL: Yes.

PRESIDENT CASSELL: Very good. A ten-minute recess. That means we come back at 9:07.

(Short recess.)

PRESIDENT CASSELL: The session is back in order.

Mr. Terrell, do you have another copy of your report?

MR. TERRELL: No, I don't.

PRESIDENT CASSELL: The President needs a copy of the report. Would anybody be willing to share or lend?

Mr. Chairperson, Chairperson Terrell, would you begin your report, please.

MR. TERRELL: Mr. President, on behalf of the Committee on the Legislative Branch, I submit to the convention the article on the legislature, and if I am in order may I make a few remarks at this time?

PRESIDENT CASSELL: Yes, you will then go ahead and read, right?

MR. TERRELL: Yes, I will. First of all, I need to say to the committee members, thank you for your support and your hard work as we have labored to present this proposed article to the convention.

What we have done is to pull together from research, listening to resource persons a proposed draft to you, so at this point this draft no longer belongs to the committee but does in fact belong to the convention. The copies which you received on April 29th and again on May 1st include the minority reports from the committee as well as the majority report.

As you know, this was a committee process and we

have attempted to be as a committee open and receptive to the ideas of every committee member, and that is in keeping with democratic principles. There is quite a bit that I need to say but, again, the committee worked very hard in terms of looking at the various issues that needed to be included in this article. We looked specifically at the model state constitution and used that as the springboard for our later discussions.

We heard from quite a few resource persons, including Dr. Robert Martin, from Howard University, Delegate Nathaniel Exon from the Maryland House of Delegates, Johnny Barnes, Bruce French, Congressman Bereuter from Nebraska, and Congressman Barney Frank from Massachusetts.

Mr. President, I will now read the draft article.

PRESIDENT CASSELL: Please proceed.

MR. TERRELL: "The Legislature, Section 1, Legislative Power: The legislature power of the state shall be vested in the Senate.

"Section 2. Composition of the Senate. The Senate shall be composed of a single chamber consisting of one member to represent each legislative district. The number of members shall be 24.

"Section 3. Qualifications of Members. A candidate

for Senator must be a citizen of the United States. A member of the Senate must have attained the age of 18 and have been a resident of the state for no less than three years and have been a resident of the district he or she wishes to represent no less than 18 months. On the designated day of election the candidate must secure the highest number of votes from the qualified electors for the district that he or she wishes to represent.

"Section 4. Disqualifications. No member of the Senate shall hold any other public office under the state, nor shall the member during the term for which the member is elected or appointed, be elected or appointed to any public office or employment which shall have been created, or the salary or benefits of which have been increased by legislative act during such term. This article does not apply to individuals seeking election to a Constitutional Convention or re-election to an office.

"Section 5. Election and Term of Members. The members of the Senate shall be elected by the qualified voters of the state for a term of 4 years. Half of the Senators will be elected every two years.

"Section 6. Senate Districts. For the purpose of electing members of the Senate, the state shall be divided

into as many districts as there shall be members of the Senate. Each district shall consist of compact and contiguous territory, maintaining neighborhood integrity wherever possible. All districts shall be so nearly equal in population that the population of the largest district shall not exceed that of the smallest district by more than five percent.

"Section 7. Time of Election. Members of the Senate shall be elected at the general elections in even-numbered years. They shall assume office on the second Monday of January following their election.

"Section 8. Vacancies. When a vacancy occurs in the Senate it shall be filled as provided by law.

"Section 9. Compensation of Members. The members of the Senate shall receive an annual salary and such allowances as may be prescribed by law, but any increase or decrease in the amount thereof shall not apply to a Senator who served in the Senate which enacted it until after the Senator has been re-elected. The Governor shall appoint, subject to the advice and consent of the Senate, members of a five-member Commission which shall report to the public every four years on the level of legislative compensation that is appropriate, taking into account comparable

compensation in the public and private sectors. The members of the Commission shall hold no other public office. Procedures for the establishment and operation of the Commission shall be established by law.

"Section 10. Sessions. The Senate shall be a continuous body during the term for which its members are elected. It shall meet in regular sessions annually as provided by law. It may be convened at other times by the Governor or, at the written request of a majority of the members, by the presiding officer of the Senate.

"All meetings of the Senate and its committees shall be open to the public, to the press, and to complete live radio and television coverage, except that meetings involving confidential discussions of specific staff personnel may be closed by a two-thirds vote of the members of the Senate or the committee.

"Section 11. Organization and Procedure. The courts shall be the final judge of the election and qualifications of Senate members. The Senate shall choose its presiding officer from among its members. It shall prescribe its rules of procedure, which shall be consistent with this Constitution. It may compel the attendance of absent members, discipline its members and, with the concurrence of

two-thirds of all members, expel a member for cause. It shall have power to compel the attendance and testimony of witnesses and the production of books and papers either before the Senate as a whole or before any committee thereof.

"Section 12. Legislative Immunity. For any speech or debate in the Senate, the members shall not be questioned in any other place.

"Section 13. Transaction of Business. A majority of all the members of the Senate shall constitute a quorum to do business but a smaller number may adjourn from day to day and compel the attendance of absent members. The Senate shall keep a journal of its proceedings and those of all its committees which shall be available from day to day and promptly published. The journal shall contain all motions made and the votes on them. A record vote, with the yeas and nays entered in the journal shall be taken in the Senate on any vote deciding final passage or defeat of a bill, on any vote to defer consideration of a question indefinitely, and on any vote on the demand of four members; and in a committee on any vote for final approval of any committee report or on the demand of any member.

"A verbatim or electronically recorded record of

the Senate's proceedings and those of standing committees shall be made available to the public on request.

"Section 14. Committees. The Senate may establish such committees as it may deem necessary for the conduct of its business.

"Section 15. Subjects and Titles. The Senate shall enact no law except by bill. The subject of every law shall be clearly expressed in its title. No bill embracing more than one subject shall be passed with the exception of appropriation bills and bills for the codification or revision of the laws. All appropriation bills shall be limited to the subject of appropriations. Whenever a law or section of law is amended, the law or section affected shall be re-enacted and republished. Every law shall be plainly worded.

"Section 16. Passage of Bills. No bill shall become a law unless either:

"(a) It has been approved, in identical form, by a majority of all members on two occasions at least 13 calendar days apart and had been, on both occasions, printed and distributed to members at least three calendar days beforehand; or

"(b) It has been approved by a majority of all members after certification by the Governor that prompt

legislative action, precluding a lapse of time as described above, is essential.

"The Senate shall provide for publication of all laws, and no law shall become effective until 30 days after publication unless otherwise stipulated in the law.

"Each law shall have an enacting clause as follows:
'Be it enacted by the people of the State of (blank).'

"All pending bills which have not been approved shall expire automatically on the second Monday in January of each odd-numbered year.

"Section 17. Approval or Veto. The Governor may veto bills passed by the Senate except for bills relating solely to legislative procedure. All bills approved by the Senate shall be presented to the Governor for signature or veto. The Governor may, by veto, strike or reduce items in appropriation bills. The Governor shall veto other bills, if at all, only as a whole. The Governor shall promptly return any vetoed bill, or item of appropriation, to the legislature with a statement of her or his objections. A bill becomes law if the Governor either signs or fails to veto it within 15 days of presentation.

"Section 18. Legislative Action Upon Veto. Upon receipt of a veto message, the Senate shall promptly

reconsider passage of the vetoed bill or item. Such a bill or item requires only one reading, and shall become law by affirmative vote of two-thirds of all of the members of the Senate.

"If the Senate is not in session when a bill or item is vetoed, it may consider the bill or item at its next regular or special session.

"Section 19. Post-audit. The Senate shall appoint an auditor to serve for a period of six years and thereafter until a successor has been appointed. By a two-thirds vote of all members, it may remove the auditor from office, at any time, for cause. The auditor shall conduct post-audits as prescribed by law and shall report to the Senate and to the Governor.

"Section 20. Impeachment. Any executive or judicial branch official who is elected, or whose appointment is subject to the consent of the Senate, is subject to impeachment by the Senate for such causes as may be provided by law.

"Impeachment shall originate in the Senate and must be approved by two-thirds vote of its members.

"The motion for impeachment shall specify the basis for the proceedings.

"Trial on impeachment shall be conducted by the Senate in accordance with procedure established by law. A Justice of the highest court of the State designated by the Chief Justice of that Court shall preside at the trial.

"Concurrence of two-thirds of the members of the Senate is required for a conviction.

"The judgment on conviction may not extend beyond removal from office and disqualification to hold and enjoy any office of honor, trust, or profit within the State, but shall not prevent proceedings in the courts on the same or related charges.

"Section 21. Code of Ethics. The Senate shall enact conflict of interest legislation which shall apply to all elected and appointed state and local officials in the executive, legislative, and judicial branches of government and to all candidates for such offices. The conflict of interest legislation shall include but not be limited to requirements for mandatory annual disclosure of economic interests and sources of income by public officials."

Mr. President, that concludes the reading of the proposed article on the legislature. I understand that we will have a discussion period now?

PRESIDENT CASSELL: Yes. Delegate Terrell, we have

a half hour discussion period and that will carry us to 10:00 o'clock and the time for adjournment.

MR. TERRELL: Mr. President, in order for us to make the very best use of time and to move into the discussion or debate on the various sections of this article, I am going to ask that delegates refer -- first of all that they would look at -- I am sure they have read it by this point -- the rationale for the various sections that might facilitate the questions that delegates might have in their minds.

PRESIDENT CASSELL: This is now the question period. Delegate Corn.

MS. CORN: I was going to ask a question.

PRESIDENT CASSELL: This is now the question period.

MS. CORN: It is now or not?

PRESIDENT CASSELL: It is now.

MS. CORN: Okay. Page 10, section --

MR. TERRELL: Delegate Corn, excuse me for one minute. I just wanted to say one other thing and that is that we are going to answer these questions using the committee process and various members will be responding. I did want to also recognize Mr. Alan Boyd, who is our Research Assistant, and assisted us so much with pullint together of

this article and, of course, the rationale for supporting it. So we are grateful to him for all of his efforts.

PRESIDENT CASSELL: Delegate Corn.

MS. CORN: Okay. On page 10, Section 12, Legislative Immunity. The way I am reading that is that if a Senator takes a stand in a debate on the Senate floor or makes a speech, that Senator is not able to be questioned by his or her constituents or the press or anybody else in regards to that. Is that correct? Is that what you meant?

MR. TERRELL: Delegate Schrag, will you speak to that, please?

MR. SCHIRAG: Delegate Corn, the words in this section are a term of art used in the federal Constitution. Questioned means officially questioned and refers to the libel laws and immunity from arrest and does not refer to private citizens such as constituents or the press questioning the members. It refers to official bodies.

MS. CORN: Is this exactly how it is worded in the federal Constitution? There is no other sentence that clarifies --

MR. TERRELL: I believe it is.

Delegate Moorre?

MR. B. MOORE: Yes, a question regarding Section 2,

on the composition of the Senate. You mentioned that you recommended 24 members, and in your rationale you basically stated that it is better to start with a lower number than to go higher. I was wondering two things: Number one, did the committee consider a lower number of legislators; and, number two, what did they assume would come forth from the local government with regard to representation in the local community?

MR. TERRELL: I am going to call on Delegate Moore for that.

MR. T. MOORE: We had a considerable amount of debate on this issue of how many we should have. Some of the delegates perhaps are going to submit additional numbers, but the rationale for it was that -- I can enumerate what some of the committee thought, if you care to listen to this at this time or refer to the debate. Would you rather refer to the debate?

MR. B. MOORE: Well, the reason why I raised the issue was because I made an assumption that we might have some local form of government and if we do I would prefer to come in with an amendment with fewer legislators than 24 because there is going to be local representation with some authority. But the rationale in this article only alludes

to defending themselves for going higher and I was just wondering, did you assume that there would be no local representation?

MR. T. MOORE: No, we thought there would be some local government and we feel that if we start low we can always increase the number, that is, the public or the people can increase the number from 24, but it is pretty hard to have a large number and get the legislators to lower that number.

MR. B. MOORE: Was the committee open to lowering that figure if the local government section provides local representation with some authority, in other words a lower house without being part of the legislature.

MR. T. MOORE: I couldn't answer that at this time without a caucus.

PRESIDENT CASSELL: Rothschild.

MR. ROTHSCILD: Did the committee consider the problem of if you have 24 separate little legislative districts, the fact that you are going to really set up a lot of parochial interests, everybody watching out for their neighborhood and there wouldn't be enough of a scope on the legislature to actually see the overall picture of the city and stay overall in touch, everybody might be watching out

for their own neighborhood? Now, for example, we have at-large candidates and many states that have Senates and Houses have overlapping representation.

I am concerned -- and I would like to hear the committee speak to this -- that the Executive might become too powerful because the legislature is somewhat weakened by the fact that it is all little bits and pieces.

MR. T. MOORE: Well, given the approximate population of the District of Columbia, which is approximately 635,000 people, given in the eight geo-political units that we have at this present time, that would give us approximately 80,000 people per geo-political unit, and with a 24-member legislature that would give the legislator approximately 27,000 residents to represent. Based on the 32 legislators, it will give you approximately 20,312, and based on the 16 members, will give you approximately 40,000. So many of the members, that is a majority of the members felt that 24 was a reasonable point.

MR. ROTHSCHILD: That gets back to the question I asked though. In other words, there are no legislators that are overseeing the city. Everybody is sort of on their own little turf and everybody --

MR. SCHRAG: If I may add to that, Delegate

Rothschild, the committee -- and I think here we are talking about not only the majority members of the committee but I think at least if not all of the members who also submitted a minority report -- felt very strongly that there should not be at-large members, for a couple of different reasons. One of them is that the committee felt that at-large legislators, to have that kind of system favored the wealthy, that the wealthy were able to become better known and it favored those who already had big reputations. It made it harder for a relatively unknown candidate and a relatively poor candidate to achieve public office.

Second, the committee was also aware that at-large districts have been used in many areas of the country to disenfranchise minorities or to give minorities less than their fair share of representation by enabling the majority to elect a disproportionate share of the legislature, and we did not want our state to give that practice any additional support or credence by adopting it ourselves.

PRESIDENT CASSELL: Delegate Garner.

MR. GARNER: Mr. President, I commend the committee on its work. I ask one question, which is in three parts. When we adopted the separation initiative referendum section, we adopted different language on apportionment, different

language on how long it will be necessary to wait for time of enactment and how one goes about defining emergency legislation. Has the committee considered the differences and is it the intent of the committee to support its current language, the language that was adopted when we adopted suffrage, or what? Is there any idea on how we are intending to proceed on those three points of potential conflict?

MR. TERRELL: My understanding, Delegate Garner, is that we want to be as much in harmony with the existing articles that have already been approved as possible, so we have heard the will of the convention and we, of course, will make those allowances and make that part of our discussion so that we are in harmony with what has already been approved.

MR. GARNER: Any amendment to that effect would be considered friendly?

MR. TERRELL: Yes, of course.

MR. SCHRAG: Delegate Garner, may I answer that. If you look on page 11, I think the section to which you are referring is Section 16, and I think that the inconsistency between the committee's language and the language that has been approved is in lines 19 and 20. I do not think that lines 9 through 17 are inconsistent with what we have done because they provide for the procedure for not requiring

two readings, and that is a separate kind of procedure, a separate kind of requirement to waive from the requirements that we dealt with the other day. But the 30-day requirement, with a waiver permitted by stipulation in the law, is inconsistent and perhaps tomorrow you could have some appropriate language to make lines 19 and 20 consistent with what our committee did.

MR. GARNER: Thank you.

PRESIDENT CASSELL: Delegate Nixon.

MR. NIXON: I have a question pertaining to Section 3, qualification of members. In this section, it states that a candidate for Senator must be a citizen of the United States, attained the age of 18, have been a resident of the state for no less than three years and a resident of the district that he or she represents for no less than 18 months.

Is it assumed that this person would be qualified and registered to vote?

MR. TERRELL: I'm sorry, I didn't hear.

MR. NIXON: Is it assumed that the person would be qualified and registered to vote, the person running for the Senate?

MR. TERRELL: Delegate Jones, would you speak to that, please?

MS. JONES: In the article on suffrage, it speaks to that and this would not be inconsistent with that article, and it is not just an assumption that that person would be a qualified registered voter in the state, but the person would have to be a registered qualified voter in the state according to that article.

MR. NIXON: Thank you.

PRESIDENT CASSELL: Which article was that, according to which article?

MS. JONES: Suffrage.

PRESIDENT CASSELL: I see. Okay.

MR. TERRELL: Delegate Mason?

PRESIDENT CASSELL: I've already called on him.

MR. BALDWIN: Section 3, line 11, according to your research what was the average minimum age for a Senator? You have recommended 18.

MR. TERRELL: Delegate Jones?

MS. JONES: Delegate Baldwin, I don't know what the average minimum age was for Senator. Many of the constitutions had in them "the age of majority," and the committee felt that they did not want to deal with age of majority because the age of majority takes on so many different interpretations until it got to be like water, it took the

shape of the container, and we thought that we would go to the age of 18 because that is the age that most people are allowed to vote and most people are allowed to participate as adults.

MR. BALDWIN: Thank you.

MS. JONES: Our military advisor said in the Army, too, Delegate Talmadge Moore.

MR. BALDWIN: Thank you. Section 20, line 23, did you not find some discrepancy when you talk about executive or judicial branch official who is elected? It deals with impeachment. I am just asking for information. Does this not conflict with some of the recalls and how you get people out of office in these various branches. Now we have had the executive and the judiciary branch before us and we have in fact approved those. Have you found any inconsistency with this language?

MR. TERRELL: As far as this particular section is concerned, I haven't found any large inconsistencies.

Delegate Schrag?

MR. SCHRAG: That is a very good question, Delegate Baldwin. Of course, this draft language was written before we adopted the judiciary branch article, and the judiciary branch article provides -- of course, the executive branch

article also makes clear that judicial branch officials are not elected, they are appointed and their appointment under the executive branch article that we passed is not subject to the consent of the Senate. We had a floor vote on that. And so it would be appropriate when we get to this section tomorrow to delete the words "or judicial branch" in line 23.

MR. BALDWIN: Thank you. Yes, I thought that was inconsistent there.

PRESIDENT CASSELL: Delegate Mason, Harris, Cooper.

MR. MASON: With respect to Section 16, in 16(a), I would like to question the intent of the committee in using the words "in identical form." At the present time, acts of the council must have two readings just as is required here, at least 13 days apart. However, purely technical amendments adopted at second reading do not require an additional reading. Anything of substance does. I using the term "in identical form," is it the intent to continue that practice, or is it the intent to require another reading even if a comma or semicolon is changed at second reading?

MR. TERRELL: Mrs. Mason?

MS. MASON: The meaning is identical. Of course, if you are dealing with something that is not substantive,

then you would not have to have third reading, but identical in form and substance.

MR. MASON: If it is identical, then you would have to have the second reading for even a comma, but if it is identical in substance you would not.

MS. MASON: Well, the committee discussed that and intended to change the current practice so that if it is not of substance it would not have to have a third reading.

MR. MASON: The present practice is exactly that, if the change is not of substance then we do not have a third reading. If the change is substantive, we do.

MS. MASON: Well, it depends on who interprets or who defines what substance is, and sometimes on the council, as you know, something is interpreted as substantive when it is not and sometimes when it is substantive it is defined as not, not being substantive, and vice versa.

MR. MASON: I am well aware of that. It is not clear in my mind what change if any is intended to make here with respect to the present practice. I think the record should be clear on that point.

MS. MASON: I am being told by one of the committee members that the intent is really, even if you change a semicolon, as Congress requires, and the assumption is that

the punctuation can in fact change the substance of a bill or of a section. That is intent. Now, if you don't think that is a good way to --

MR. MASON: I am not arguing whether it is good or bad. I simply want on the record what the intent is.

MS. MASON: Well, we are now saying that no matter what changes are made, then you have to have another reading.

MR. MASON: Even to change a comma to a semicolon and vice versa?

MS. MASON: Yes.

MR. MASON: All right. Now, with respect to paragraph (b), I realize, as has already been stated, that this is not technically inconsistent with what we adopted in the article on initiative and referendum that had to do with what was referred to there as emergency law. However, it seems that there might be some appropriateness in changing this so that the waiving of the second reading would be done in the same manner that the waiving of the 90 days before it goes into effect is done, that is by a two-thirds vote not on the substance but on the preamble which says that this bill shall not be subject to a second reading or this bill shall go into effect right away and not wait the 90 days.

It looks as if a parallel procedure might be worked

out. I realize that it is not absolutely inconsistent. It seems to me that the governor probably is not the one to certify this but the legislature itself by an extraordinary majority.

PRESIDENT CASSELL: Delegate Harris?

MS. HARRIS: Would you mind telling me what is the committee's rationale for not including a section on adjournment, which speaks specifically to the length of time the legislature can adjourn, sometimes not more than three days and not more than --

MR. TERRELL: Madam Vice President, what we did was to use the language that the Senate would be a continuing body.

MS. HARRIS: Even with it being a continuing body, does it not adjourn for a specific amount of time within that session?

MR. TERRELL: Yes, it does, but -- do you want to speak to that?

MS. JONES: I think the intent of the committee was that the Senate would have the power to enact its own rules, to say when they would adjourn, like the present council has a rule that says we will adjourn the month of August each year. We were hoping that that would be satisfactory.

PRESIDENT CASSELL: Delegate Cooper, Bruning, Moore.

MR. BRUNING: Section 9, compensation, was there any thought about the necessity of not having these commissioners run for office or be eligible to run for office within a given interval, in other words people that will be making the recommendations for salary and then running and profiting from the salary?

MR. TERRELL: Delegate Bruning, I'm sorry, I lost part of that. Would you repeat that, please?

MR. BRUNING: Yes. Just in Section 9, you have essentially set up a compensation commission. I just wondered, was there any consideration given to stipulating that the members of the commission essentially would be banned from running or could not run within a certain amount of time, i.e., the members of the commission could not, for instance -- say the legislature shall have a salary increase and then run within that period, within a period within which their ruling would actually favor themselves?

MR. TERRELL: Delegate Moore?

MS. MOORE: I am going to pass this to Wes Long, since I was not at that part of the discussion.

MR. LONG: We went through several configurations -- couldn't run for office for so many years and all of this

kind of stuff and finally we gave up. It got too complicated and we decided to be silent on the question because the statement as it stands does not prevent specific legislation governing that question, and less is more when we are dealing with the constitution.

MR. BRUNING: A second question which was brought up by legal counsel, still under that section, if you had staggered terms, wouldn't you have the possibility of limiting the legislators, depending on the recommendations for salaries, getting two different salaries?

MR. TERRELL: What line are you on there?

MR. BRUNING: It is a combination, it is in conjunction with the compensation.

MR. TERRELL: What page or section?

MR. BRUNING: Section 9, where you provide the staggered terms of people, and counsel --

MR. TERRELL: Are you referring to Section 5 --

MR. BRUNING: Yes, Section 5 and Section 9 in combination.

MR. TERRELL: Okay.

MR. BRUNING: That leads to a situation in which half the people, depending upon when they were elected, would be getting a larger or smaller salary than the other

half.

MR. TERRELL: Yes, we are dealing with two different things here, depending on -- I think that would be the case.

MR. BRUNING: Okay. And then the last two lines, in terms of being a continuing body, in Section 10, was there much discussion given to a concept of a limited time, i.e., a three-month session, a week's session, a two-month session, or four-month session, a three-month session, something that is essentially broken down into very definitive times of beginning and ending?

MR. TERRELL: What section?

MR. BRUNING: In Section 10.

MR. TERRELL: We spent a great deal of time discussing that issue and primarily the rationale was that in looking at the present council as the legislative body for the city, that they did in fact meet continuously and, of course, depending on who is involved, can set the various reasons. That is the rationale behind what we did here, to have a continuous body.

MR. BRUNING: Thank you very much.

PRESIDENT CASSELL: The next speaker is Brian Moore.

MR. B. MOORE: Yes, I have two questions. One is

on Section 10 and the second one is on Section 12. Section 10, it still eludes me a little bit. Do you mean that the Senate is a part-time job or a full-time job?

MR. TERRELL: Full-time. We look at this as a full-time job. The majority seemed to feel that it was important to have full-time legislators working continuously.

MR. B. MOORE: And the second question regards Section 12, on legislative immunity. It says "For any speech or debate in the Senate, the members shall not be questioned in any other place." Does that mean that the press could not even question them?

MR. TERRELL: That has been answered. As we stated to Delegate Corn, this means officially question. The language in the federal Constitution is for any speech or debate in either house, they shall not be questioned in any other place, so it is virtually verbatim in the federal Constitution. It means that they have a certain amount of protection for their official speeches in the legislative body and that they have a certain amount of immunity from prosecution.

PRESIDENT CASSELL: I think the word means held accountable, not questioned in the usual sense.

MS. CORN: May I ask a question on that same point?

PRESIDENT CASSELL: Brian Moore, had you finished?

MR. B. MOORE: Yes. Thank you.

PRESIDENT CASSELL: Rothschild -- I beg your pardon, Mr. Rothschild, you have spoken. Delegate Corn?

MS. CORN: I have spoken, too, but I --

PRESIDENT CASSELL: Delegate Jackson?

MR. JACKSON: I have a couple of questions, please. First, you mentioned a number of 24, and I am a little baffled by the logic behind it. For one thing, there is the compensation. Of course, it is expensive and I don't know how long they work or anything like that, but it does seem to me a bit odd that compensation is not important when we are talking about judges but it is important when we talk about legislators. You have twice as many judges as you have legislators, so I am concerned about this and maybe something could be given to me a bit more precise on the question of compensation. I just need a little bit more logic behind it.

MR. TERRELL: Do you mean why the number of 24 as related to compensation?

MR. JACKSON: No, why the number 24 and then why when you deal with the number 24, two answers were given: one, compensation, it may be expensive, but it seems odd to

me that I will be exempt when we've got 40 or 50 judges or something like that. That is one thing. And then I want to know if you have considered other things, for instance did you consider multi-member districts, did you consider proportional representation, you know, different things like that?

And then in line with that, it is unclear in here whether it will be full-time, part-time, and how long they work and all of that to do with compensation. If you don't work all day, you get paid less, so some of these things -- I would imagine all of those have a relationship to size. I want it cleared up about the question of why compensation is dealing with the number of legislators here when it doesn't deal with 20 department heads or something like that which may get paid more than them, and then why the number one for 27, why is that so much better than one for \$13,000 and one for \$15,000 or something?

MR. TERRELL: Delegate Moore, I need to say that in terms of compensation, because we are all taxpayers and concerned about costs involved and maintaining, you know, that primarily were the assumptions we looked at. But we also took into consideration that, you know, the larger the number, of course, the more that they would have to be paid

because we are thinking in terms of a legislature which will be made up of citizens who really would be able to give full time to government and would need the necessary compensation in order to attract those types of persons who would be able to do that effectively.

Now, at the same time --

MR. JACKSON: That is your assumption?

MR. TERRELL: That is the assumption we are operating on, right. Now, in terms of the districts, we did look at that issue as carefully as possible but felt, because we had members on our committee who also served in the local government committee and they did give us some insight. We felt that perhaps the one for each district would, of course, meet the needs of those people without, of course -- and taking into consideration that issue of compensation, how are we going to pay for the legislative body.

We did not, however, look at -- we didn't discuss the judicial system in terms of compensation for judges and so forth but, of course, that is something that needs to be taken into consideration.

MR. JACKSON: I don't think it is any different in paying a judge than paying a legislator. You have got forty-some judges -- what's the difference?

MR. TERRELL: Yes, those are things that we will have to work out collectively as we pull this total constitution together.

PRESIDENT CASSELL: Fellow delegates, it is now 10:00 o'clock. The half-hour period is up. We can stay here until 11:00 o'clock but we will just have to pay for it. The District of Columbia is not paying for the time beyond that. It is costing us -- Delegate Jones, what is it costing us per hour?

MS. JONES: \$75.

PRESIDENT CASSELL: Okay. We have only had half an hour and I don't know how many people there are who want to continue. Shall we spend the \$75 and continue answering questions so that we can begin tomorrow talking --

MS. JONES: Mr. President, a point of order. We don't have the money, that's all I want to say.

PRESIDENT CASSELL: Delegate Mason?

MS. MASON: I keep getting conflicting information from the Mayor's Office. I was told that until the end of May we could meet here at night until 11:00 and on Saturdays until 5:00.

PRESIDENT CASSELL: That is correct. The Mayor hasn't agreed to pay for it, though, from 10:00 to 11:00.

MS. MASON: I was told that that included the coverage. Now, why don't we get something in writing from the Mayor?

MS. JONES: I should say we have the permission, we don't have the money.

MR. BRUNING: She said the Mayor would pay for it.

MS. JONES: She said the Mayor would pay for it? Mayor Barry has said nothing of the kind.

MR. BRUNING: You should ask for it.

MS. JONES: We have asked, but they haven't said they are going to do that.

Mr. President, I move for adjournment.

PRESIDENT CASSELL: Could I say before I entertain that that we have found that the -- you asked us at the last meeting to investigate the possibility of meeting in other places at different times. The District Building is available to us next week from 5:00 until 10:30, the 17th to the 21st. That is a half-hour longer than we are entitled to meet here without paying.

This meeting is adjourned.

(Whereupon, at 10:05 p.m., the meeting was adjourned.)

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